

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS (Boston)

3 No. 1:20-cr-10321-WGY

4
5 UNITED STATES OF AMERICA

6
7 vs.

8
9 JOHN BOAMPONG

10
11 *****

12
13 For Hearing Before:
14 Judge William G. Young

15
16 Sentencing

17
18 United States District Court
19 District of Massachusetts (Boston.)
20 One Courthouse Way
21 Boston, Massachusetts 02210
22 Tuesday, October 26, 2021

23 *****

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25 REPORTER: RICHARD H. ROMANOW, RPR
Official Court Reporter
United States District Court
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A P P E A R A N C E S

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1 P R O C E E D I N G S

2 (Begins, 12:00 p.m.)

3 THE CLERK: Criminal Matter 20-10321, the United
4 States of America versus John Boampong.

5 THE COURT: Just a word as we begin about the mask
6 protocol. Everyone will wear masks in the courtroom.
7 As for counsel and Mr. Boampong and myself, you need not
8 wear your mask while speaking, but of course you're
9 welcome to.

10 And now would counsel identify themselves and who
11 they represent starting with the government.

12 MR. DAWLEY: Good afternoon, your Honor, John
13 Dawley for the United States.

14 MS. GANT: Good afternoon, your Honor, Sandra Gant
15 on behalf of John Boampong.

16 THE COURT: And may I talk to him directly for a
17 moment?

18 MS. GANT: Yes, of course, your Honor.

19 THE COURT: Mr. Boampong, have you read the
20 presentence report that's been prepared in your case?

21 THE DEFENDANT: Yes, I have.

22 THE COURT: And have you talked it all over with
23 your attorney?

24 THE DEFENDANT: Yes, I have, your Honor.

25 THE COURT: And do you believe you understand it?

1 THE DEFENDANT: Yes, I do.

2 THE COURT: Thank you. Be seated.

3 Nothing has been withheld from the presentence
4 report under the rules of criminal procedure?

5 PROBATION OFFICER: No, your Honor.

6 THE COURT: Very well.

7 This is a sentencing that proceeds under 18 United
8 States Code Section 3553(a). Sentencing in this session
9 of the court -- while in this instance it involves only
10 three steps because Mr. Boampong has pled under a
11 C-plea, rather he has tendered a plea, and, um, let me
12 start by saying the Court accepts that plea agreement.
13 So that limits the flexibility of the Court in imposing
14 sentence. I don't mean that in any critical way, um,
15 the rules provide for it, and, um, after careful
16 consideration I have accepted the binding plea
17 agreement.

18 I do, since I have the flexibility to impose a
19 sentence of not less than 42 months nor as much as 63
20 months, consult the available, um, sentencing
21 statistics. I do not sentence from any statistical
22 measure, but I do consent -- I do consult the actual
23 statistics better to decide the weight to be given to
24 the now, um, nonmandatory advisory guidelines. And the
25 United States Sentencing Commission has come up with a,

1 um, really a very good, um, computer, um, calculation
2 that goes offense by offense and takes into account the
3 criminal history.

4 If I look at their data, it shows that for the
5 count of interfering with law enforcement officers
6 during a civil disorder, the average sentence was 52
7 months. That's also the average for assaulting,
8 resisting, or impeding certain officers or employees.

9 If I look at the database maintained by
10 Mr. Romanow, I have only sentenced once for similar
11 offenses, so that's far from an average, and the
12 sentence there was the average sentence -- well actually
13 I sentenced twice and the average was 6 months.

14 Now I must still calculate the sentencing
15 guidelines and I'll proceed to do that. If anyone
16 differs with any of the calculations that the Court
17 makes, I want you to interrupt me and I will, um, see if
18 I can't resolve the issue.

19 In this case the, um, offense -- the base offense
20 level is 14. A firearm was discharged, so I add 5
21 levels. And given the conviction under Section 111(b),
22 I add another 2 levels. Here the victims were
23 government officers and employees, I add another 6
24 levels, that takes us to 27. I do subtract 3 levels for
25 the guilty plea, that takes us down to 24, Criminal

1 History Category 1, which gives us a range of 51 months
2 to 63 months, a period of supervised release of not less
3 than 1 nor more than 3 years, a fine of not less than
4 \$20,000 nor more than \$200,000. No request has been
5 made for restitution. And there must be a \$300 special
6 assessment.

7 Mr. Dawley, are the sentencing guidelines
8 accurately calculated?

9 MR. DAWLEY: Yes, your Honor. Thank you.

10 THE COURT: Ms. Gant, are they accurately
11 calculated?

12 MS. GANT: They are accurately calculated, your
13 Honor, and they are also mirroring what's in the
14 parties's agreement.

15 THE COURT: I understand. Very well. So those
16 are the sentencing guidelines and the Court adopts them,
17 and the Court has adopted the binding plea agreement.

18 Because there are determinations I must make, we
19 now turn to the meat of the matter and that is I will
20 hear the government, I will hear Ms. Gant, I will hear
21 from Mr. Boampong if he wishes to be heard from. I have
22 read with care all the memoranda and associated
23 materials that have been submitted.

24 Mr. Dawley, I'll hear you.

25 MR. DAWLEY: Thank you, your Honor.

1 Your Honor, the government in this matter is
2 recommending a 63-month period of imprisonment, 3 years
3 of supervised release thereafter, along with the other
4 terms that we've laid out in our sentencing memo, which
5 I do rely on, um, as well as argument, a fine at the low
6 end, as well as forfeiture and a \$300 special
7 assessment.

8 Your Honor, the government, in coming to this
9 recommendation, reviewed all the materials extensively
10 and what we have come to, your Honor, is a
11 recommendation within the guidelines based largely on
12 the conduct of the defendants that night.

13 Your Honor, in terms of -- I've read not only, um,
14 the presentence report, but what counsel has filed and I
15 believe somewhere in there the defendant had indicated
16 that this was a low point of his life, one of the worst
17 times of his life. I would submit, your Honor, in terms
18 of the government's recommendation, that the Court take
19 into consideration that that night, June 1st, 2020 at
20 around 3:00 p.m., was one of the worst moments in the
21 lives of over 10 police officers, Boston Police
22 officers, and that this incident, during riots in the
23 wake of George Floyd's death, starting on May 31st in
24 Boston and going late into the night on June 1st,
25 involved looting, violence all over the city, police

1 officers had rocks thrown at them, bricks thrown at
2 them, M80s and fireworks fired at them, and 53 people
3 were arrested in this rioting time. Mr. Boampong was
4 one of those individuals.

5 These officers that night, your Honor, were
6 outnumbered, they had to maintain order in a very large
7 area in Boston, and then while they're doing that, or
8 attempting to do that, at 3:00 in the morning, shots
9 rang out and these police officers frankly in that
10 moment didn't know if they were going home that night.

11 Your Honor, the facts of this case, as the Court
12 has heard, is an incident on June 1st, 2020 at
13 3:00 p.m., it occurred right near Downtown Boston, the
14 area of Arlington and Boylston Streets, and there was a
15 lot of looting going on in that commercial area.

16 The defendant was driving a car with several other
17 occupants, he was told to leave the area due to the
18 looters. The occupants of his vehicle, it was him, his
19 girlfriend, a cousin, and a cousin's husband. The
20 occupants of that vehicle began to be verbally combative
21 with the police officers. The police officers
22 eventually got Mr. Boampong to move his car and what he
23 did was he put the car in reverse. When he put the car
24 in reverse, he started to back up into where a number of
25 other police officers who were trying to maintain order

1 were standing. They yelled at him -- they shouted to
2 him to try to get his attention, they yelled at him to
3 stop. It was only after a police officer had to bang on
4 the roof of Mr. Boampong's car that they eventually got
5 him to stop before he was going to strike police
6 officers or cars that were behind him. Mr. Boampong
7 then took off, um, leaving that area and drove away.

8 Your Honor, that -- in essence that night should
9 have been the end of it. It was not. What occurred is
10 that a short time later video surveillance cameras
11 picked out Mr. Boampong's car, um, that he essentially
12 drove around in a circle, had driven around the area
13 where those police officers were, as he went down and
14 around to a side street, Providence Street. That he got
15 out of the car and walked back towards that area of
16 Arlington and Boylston Street where over 10 police
17 officers were still standing, amongst them one in which
18 is a Federal Task Force Officer, Timothy Stanton, and
19 then he took a firearm out of that vehicle, walked in
20 the direction and fired not one, not two, but eleven .9
21 millimeter rounds in that direction. The police
22 officers had to take cover, all believing that they were
23 being shot at, as was shown on the video surveillance,
24 and Mr. Boampong immediately thereafter got back in his
25 car and drove way.

1 Your Honor, in terms of the ballistic evidence
2 that was located on that scene, um, as well as in the
3 side of the building, two of those bullets -- nobody was
4 injured, thank God, but in terms of those bullets, two
5 of those bullets entered that apartment building, which
6 is above the commercial stores on Arlington, Boylston
7 and they entered the window of apartments, um, two
8 apartments that were there on that corner. Again
9 luckily those apartments weren't being rented at the
10 time, they were unoccupied. But again in terms of this
11 conduct that I come back to is what the Court has to
12 take into consideration in sentencing Mr. Boampong
13 today.

14 As I indicated, he drove off, um, Mr. Boampong
15 did, and was stopped after a brief pursuit. On the
16 passenger area on the floor was a semiautomatic Sigsauer
17 .9 millimeter firearm, um, Mr. Boampong's fingerprint
18 was on that firearm. There was also a black trash bag
19 with various items, um, consistent with the looting that
20 occurred in that area, liquor, clothing, and jewelry.
21 And after Mr. Boampong was **Mirandized** he did admit that
22 he committed the shooting and stated that he was upset
23 that the police had broken his windshield.

24 Your Honor, this conduct -- and again I can't
25 emphasize it enough, it is egregious and it is

1 abhorrent, and it is a miracle that nobody was hurt or
2 killed that night by Mr. Boampong's direct actions.

3 Your Honor, in terms of coming to our
4 recommendation of the 63 months, we do feel it is
5 appropriate, we feel it is reasonable and necessary here
6 based on the 3553(a) factors. We have taken in
7 consideration, um, in speaking with the victims on this
8 matter, speaking with a number of Boston Police
9 officers, including Detective Stanton on that matter,
10 we've told them what our recommendation is and, um, in
11 terms of their thoughts on that recommendation, they're
12 not here today but they are supportive of our
13 recommendation.

14 I will say that in terms of my specific role in
15 the U.S. Attorney's Office doing Project Safe
16 Neighborhood in Boston, Tim Stanton is a Boston Police
17 officer, has been for a long time, he's also a Task
18 Force Officer with the Metro Boston Gang Task Force. I
19 had the opportunity to work with him on almost a daily
20 basis as well as several of the other police officers
21 that were involved in this incident. I can say that
22 Detective Stanton is on a totally-unrelated search
23 warrant today, but he has been kept in the loop, as have
24 the other officers through myself and through AUSA
25 Garland and through the FBI, and they fully endorse the

1 U.S. Attorney's Office's recommendation at this time
2 given the circumstances here.

3 Your Honor, again in terms of the government's,
4 um, recommendation, I think it's, um, taken into
5 consideration the nature of the offense here as well as
6 general and specific deterrence, and Mr. Boampong's
7 characteristics, which I'll get to in a minute. But in
8 terms of nature of the offense here, um, what you just
9 heard was a set of facts that is extremely, extremely
10 dangerous, and it's not just extremely dangerous to
11 possess a firearm, it's not just extremely dangerous to
12 fire it, to fire it 11 times, but also in the area of
13 where government officials are working. And I just laid
14 out what the circumstances that those government
15 officials were in.

16 Your Honor, what I can't emphasize enough, and
17 think Mr. Garland put it in our memo very well, is that
18 government officials should be allowed to do their jobs
19 without fear of violence, especially when they're at
20 their most vulnerable times, um, as was the time like
21 this, the night of this rioting in Boston.

22 Your Honor, going back to the protest, um, I know
23 we've had this pandemic now, we had the protest, and it
24 is kind of hard at times to go back to that night and
25 what a horrible night that was, and what a tumultuous

1 period of time that was, um, but in terms of the Court's
2 recollection of that time, um, and all of our
3 recollections of that time, I do hope that that does
4 never happen again, but unfortunately we live in a world
5 where it's a very realistic possibility that something
6 like this could happen again.

7 The purpose of this sentencing today -- um, one of
8 the purposes of the sentencing today, and the
9 government's recommendation for this 63-month period of
10 imprisonment, is not just specific deterrence for
11 Mr. Boampong, but general deterrence to any individual
12 that thinks that they're going to go well beyond their
13 freedom of speech and right to protest and to take
14 matters into their own hands the way Mr. Boampong did
15 that night.

16 Your Honor, in furtherance and in specific
17 deterrence to Mr. Boampong, I would submit, and we have
18 laid out, um, that this is a reasonable sentence. In
19 terms of the consideration, this was a C-plea to
20 arrange, um, and did also take into consideration that
21 Mr. Boampong was facing the very real possibility of a
22 924(C) charge, which would be a 10-year minimum
23 mandatory sentence on and after whatever he received for
24 the counts that he has pled guilty on the information
25 here. And, your Honor, I submit that in coming to our

1 recommendation -- and laying that out for the Boston
2 Police officers in terms of the possibilities of what
3 could happen here today, that has all been taken in
4 consideration and Mr. Boampong has been given that
5 benefit in terms of resolving that matter on the charges
6 he's currently resolving it on.

7 So with all that being said, Judge, I'll leave it
8 with what is the lowest sentence reasonably necessary?
9 And I know that counsel in her memo has addressed this
10 at length. She has -- counsel has indicated a lot of
11 Mr. Boampong's history, in fact in essence his life
12 story, and I've read through that and I've gone through
13 all of that and his characteristics, but what I say to
14 that, your Honor, is that, um, unfortunately pretty much
15 everyone who's come through this courthouse who has
16 committed crimes has had some hardships in their life,
17 has had to go through good times and bad, and on the
18 other side, your Honor, a lot of people who come before
19 the Court, almost everybody, do have family members,
20 friends, people that support them and love them, and yet
21 most people in our society are able to avoid committing
22 a crime so egregious as to what Mr. Boampong did that
23 night at 3:00 in the morning on June 1st.

24 I would ask the Court to take into consideration
25 what we have laid out in our memo. Mr. Boampong has

1 talked about -- at length about his background before
2 that night, um, but I just don't get how, um,
3 Mr. Boampong, um, can in any way say that that might be
4 a justification for what was done or that there was a
5 mistake by what he had done. Your Honor, what he did
6 that night was to possess a gun, possess a firearm that
7 he's prohibited and he knows that he's not allowed to
8 possess. He went there that night, um, and had a car --
9 was driving a car with stolen merchandise in it, and he
10 brought that firearm in that car, that was loaded, to a
11 riot. And given all the history he's had with the
12 police, he had that gun loaded with numerous rounds of
13 ammunition. And this, your Honor, wasn't some, um,
14 reaction, this wasn't some mistake, this was a series of
15 deliberate decisions that Mr. Boampong made that night
16 and deliberate decisions that led to a very serious
17 crime.

18 Your Honor, in terms of the lowest possible
19 recommendation that is reasonably necessary here, the
20 defense has asked -- they will ask for a period of
21 essentially 3 1/2 years. Your Honor, in terms of the
22 government's recommendation here, it is taken into
23 consideration that he fired not once, not twice, but 11
24 times after this interaction with Boston Police
25 officers, causing these police officers, who had been

1 out all night dealing with rioting and looting, to fear
2 for their lives, that they were being shot at. Your
3 Honor, in terms of what is reasonably necessary to
4 enforce here before the Court, quite frankly 3 1/2 years
5 is just not simply enough.

6 Your Honor, the 63 months here takes into
7 consideration all the 3553 factors here and quite
8 frankly, your Honor, it's a miracle that somebody wasn't
9 hurt or killed. It's also a miracle, Judge -- and he
10 had three other occupants in his car, it is equally
11 thankful that the police were able to stop him, but also
12 didn't return fire and didn't kill or injure any of the
13 other individuals involved in this.

14 So given the totality of the circumstances here,
15 your Honor, I reiterate again, um, this was not a
16 mistake, this is an extremely dangerous crime, um, and
17 this is crime and violence against a federal officer and
18 numerous police officers. I think Judge Kelley
19 indicated in her detention, which is leading our
20 sentencing memo, that the fact that no one was injured
21 or killed that night is simply miraculous. So given the
22 totality of the circumstances here and the seriousness
23 of Mr. Boampong's conduct, we would recommend to the
24 Court the 63 months in prison, 3 years of supervised
25 release thereafter, along with those other terms.

1 Thank you, your Honor.

2 THE COURT: Thank you.

3 Ms. Gant, um, naturally I've read your materials
4 very carefully. The nub -- because I want you to
5 address it, he possesses a firearm. He has no right to
6 be out there with a firearm. And more than that, he
7 shoots it repeatedly. That's the nub here. I'll hear
8 you.

9 MS. GANT: That is the nub, your Honor, and
10 frankly if that were the only consideration that the
11 Court were to take, then the Court doesn't need to go
12 further than the government's focus on the
13 seriousness of the offense here.

14 There are two things that the government said that
15 we absolutely agree with, the first is that this was a
16 very serious crime. John Boampong knows that. The
17 second thing the government said is that it's hard for
18 many of us to think back on the night of June 1st, 2020
19 and remember how chaotic, how upsetting, how devastating
20 it was not just to the City of Boston, but to other
21 cities in which protests were happening. But it was not
22 hard to remember for Mr. Boampong. It is not hard for
23 Mr. Boampong to remember June 1st of 2020 because it was
24 the worst night of his life, it was the worst decision
25 he ever made, and it was the culmination of significant

1 trauma and pain, and frankly the destabilizing
2 experience that he had in the months that preceded it.

3 He knows he shouldn't have possessed a gun. He
4 knows he shouldn't have fired it. He will tell you that
5 he wishes he had gone home to his son, Jeremiah, and
6 that he replays that night every single day that he's in
7 jail and will continue to do so frankly for the rest of
8 his life because he is ashamed of his conduct, because
9 he is grateful that nobody was hurt. But the problem
10 with the government's sentencing memorandum and its
11 argument today is that it gives less than short-shrift
12 to his personal history, to his trauma, to his lived
13 experiences as a black man in Boston, to his prior
14 traumas with police officers, and to his particular
15 vulnerability in June of 2020, which was just one week
16 after witnessing the life snuffed out of George Floyd by
17 a Minneapolis Police officer and just after the one-year
18 anniversary of the death of his mother, which was an
19 event that impacted him beyond measure. Only one
20 sentence of the government's sentencing memorandum is
21 devoted to discarding these facts and elements that
22 propelled John Boampong to his lowest point on June 1st
23 of 2020. And as an advocate, I've been tasked with
24 telling Mr. Boampong's story and speaking on his behalf,
25 but if there's anything that the last several years have

1 shown us is that as a white American, as a white woman,
2 I can never truly understand the depth or extent of his
3 pain or the black pain in America.

4 I have --

5 THE COURT: Should that, um, ameliorate the
6 sentence?

7 MS. GANT: It should not ameliorate it and it
8 certainly doesn't justify it, and he never attempts to
9 justify it. The government's characterization that he
10 uses his past experiences as a justification or his
11 lived or perceived experiences of racism to explain or
12 justify his actions is inaccurate. A close reading of
13 the defendant's sentencing memorandum says that this is
14 one of the things that the Court must take into account.

15 And the history of racism is not history for John
16 Boampong and it is not an issue necessarily that I think
17 the Court, um, needs to find as a justification.
18 Instead his lived and perceived experiences of racism
19 permeated his daily life, it permeated how he walks down
20 the street, how he interacted with police officers, the
21 fear that consumed him when he interacted with police
22 officers, and, um, it informed -- it's impossible to
23 separate his actions from those experiences.

24 And I want to take a moment just to talk about
25 what happened to him in 2010, because that was a truly

1 traumatic experience. In the words of those closest to
2 him, it was "absolutely traumatizing." He was
3 hospitalized for 18 days after an encounter with police
4 where he was beaten, he was pepper-sprayed, and his
5 infant son, Jeremiah, was pepper-sprayed, as his partner
6 helped him. After that 18-day hospitalization, John
7 Boampong sank into a deep depression. He was
8 hospitalized for a suicide attempt, he was ultimately,
9 um, underwent therapy and medication for many years, and
10 the importance of that is because that was a stabilizing
11 and solidifying factor that kept him on solid ground for
12 many years.

13 After the death of his mother in 2019, John
14 Boampong started to destabilize, and that is borne out
15 by the report of Dr. Reid and by the descriptions of
16 those closest to him. Because his actions ultimately on
17 June 1st, 2020 were borne out of very specific and very
18 unusual circumstances that I don't think are ever likely
19 to be repeated. And again we have never used these as a
20 justification. And I really went through extreme
21 measures to impress upon the Court that Mr. Boampong
22 doesn't see any of this as a justification or excuse.

23 But by May of 2020, John Boampong was frankly
24 rudderless in this perfect storm of events. He lost his
25 mother one year prior, he was wracked with tremendous

1 guilt over her passing. His relationship with his long-
2 time partner was broken and that ended. He sank into
3 himself, into a deep depression. When the Covid 19
4 pandemic hit, he not only lost his job where he was on a
5 management track, but Cogman Square Health Center closed
6 and he was unable to engage in the therapy that had kept
7 him afloat for years. His medications ran out and he
8 was unable to immediately renew them. And so the John
9 Boampong that the Court should evaluate is frankly two
10 people. First, is the John Boampong on the night of
11 June 1st, 2020, and the second is the John Boampong who
12 is stable, feeling well, and is frankly a model for the
13 children of his community.

14 We have all had time and distance and information
15 to process George Floyd's death, but John didn't have
16 that on June 1st. So when the Court asked, "Is race an
17 issue that should ameliorate his offense?" I wouldn't
18 say that it is, I wouldn't say that it is something that
19 ameliorates his offense, but it absolutely is a factor
20 in his life that is unavoidable. Because if the Court
21 cannot see color, if the government cannot see color,
22 then they can't see John Boampong.

23 Ultimately in this case, Dr. Reid I think said it
24 best, he said in the settings of these losses and his
25 psychological deterioration, when John was drinking

1 heavily in leading up to this offense, he was more
2 vulnerable to behaving more impulsively and
3 thoughtlessly.

4 THE COURT: But you see those things about
5 Mr. Boampong, and all sentencings necessarily is
6 individual, and so it is this Court's obligation to see
7 him, and when you say if we don't take these things into
8 account, we don't see him, well you're right in the
9 sense that it's my absolute obligation to see him, this
10 man. But you must acknowledge, that's not my only
11 obligation, my obligation is to see the needs of
12 society, on that night, in those circumstances, in the
13 legal framework that we have, which was on the verge of
14 breaking down, with officers who are out there doing
15 their job.

16 So, um, you're of course right, but I'm groping
17 for how do I take that into account against firing off
18 11 rounds on a night of rioting and looting?

19 MS. GANT: I think the question isn't to explain
20 or justify his offense, but to understand why it
21 happened and how he got to that point.

22 THE COURT: Well suppose -- and you're doing it
23 very well. But then I must ask myself "And so" --

24 MS. GANT: "And so," and I can get there, your
25 Honor.

1 THE COURT: "And so?"

2 MS. GANT: "And so," because this was a very
3 particular and unique set of circumstances that propels
4 him to that night, the Court has an outline in
5 Dr. Reid's report that essentially explains what are the
6 factors that are necessary to keep John Boampong stable,
7 safe, and to keep the community safe? And ultimately
8 she says that because that night, where he was
9 particularly vulnerable to irresponsible and dangerous
10 decisions based on everything, the perfect storm that
11 came before, that if we identify specific resources and
12 treatment avenues, that John Boampong will be stable.
13 And she specifically makes recommendations for
14 treatments that involve individual psychotherapy, a
15 medication regimen -- which he was not adhering to at
16 the time due to the cessation of services during the
17 pandemic, substance abuse treatment, which he was not
18 engaged in before and in which he himself admitted that
19 he had been using as a coping mechanism since his
20 mother's death, and ultimately that this may be a
21 perfect case for something like Restorative Justice,
22 because John Boampong is not anti-police.

23 THE COURT: Understand we have a binding plea
24 agreement, he's going to prison for at least 32 months.

25 MS. GANT: Yeah.

1 THE COURT: Okay.

2 MS. GANT: I think -- the reason I raise the issue
3 of Restorative Justice is -- I had meant to include it
4 in the memorandum, um, because I think this may actually
5 be a fairly perfect case for it when he's released as
6 part of his supervised release terms.

7 The officers who encountered John Boampong that
8 night didn't know him, they didn't know his history,
9 they didn't know what his particular issues were, and
10 what his history was. But he also didn't know them and
11 he didn't know necessarily the impact that his actions
12 would have had, and that is a problem.

13 THE COURT: But that's an aspect of life in an
14 urban area, that's one reason that police officers wear
15 uniforms, they're not known. And I understand the
16 concept of neighborhood policing and the like, but in
17 circumstances such as this they're not known to the
18 people on the street, but they have every right to be
19 obeyed such that the peace of the community may be
20 maintained.

21 MS. GANT: And we don't disagree with you, by any
22 means we don't disagree with you. The night that was
23 described by the government was one of absolute chaos.
24 John Boampong was not involved himself in looting, he
25 picked up passengers who were suspected to have engaged

1 in the receipt of some property, but that not John. His
2 huge error, first, was having a gun in that car, and the
3 second was turning around and firing it. He knows that.
4 The sentence that the Court imposes is not going to
5 communicate to John Boampong that that was wrong, he is
6 frankly a man of God, he has sat with this for more than
7 17 months and essentially flagellated himself, come to
8 beg the mercy of his God to be able to make it through
9 to the next day.

10 THE COURT: What is my duty in these circumstances
11 to the principle of general deterrence?

12 MS. GANT: So I think because -- first I think
13 this is a particularly unique set of circumstances so I
14 don't think general deterrence should be weighed as
15 equally as the other factors. So that's one issue.

16 The second is, if we look at, um -- it's hard at
17 this point, I think, to gauge these sentences that have
18 been or will be netted out in similar offenses that
19 occurred at that time because it was a very particular
20 moment in time, a very unique moment in time in the
21 aftermath of George Floyd's death, kind of akin, I
22 think, to, you know, the televised war of Vietnam when
23 it ultimately flooded people's living rooms and people
24 were greatly affected by that. The same thing happened
25 with George Floyd when his death was witnessed over and

1 over and over on people's devices, computers, and TV
2 sets. And because this was a particularly unique moment
3 in time, I don't think that general deterrence should be
4 afforded the same weight as a sentencing consideration.

5 Second, I think that, um, that some of the
6 examples that I have given at the end of the sentencing
7 memorandum reflect instances where the actions were
8 intended, premeditated, and designed to destabilize a
9 vulnerable city, these kinds of false-flag operations
10 that were deployed in Minneapolis. Many of the
11 individuals who participated in protests, whether it be
12 in Portland Oregon, Minneapolis, or Boston, have not yet
13 been sentenced, so I don't have appropriate comps to be
14 able to afford the Court in its consideration in terms
15 of sentencing disparity. But if we think about it in
16 terms of deterrence, 42 months for somebody who's never
17 been in jail is a very long time. The government says
18 it's just not enough. But that only considers the
19 circumstances of the offense, not the "why," not the
20 "how," not ultimately how do you prevent this from ever
21 happening again?

22 I think this Court can send a message to not only
23 the City of Boston, but to the black community in Boston
24 that a man like John Boampong is worthy of redemption --
25 certainly punishment, and he recognizes that he deserves

1 that, but that he's worthy of redemption, and he's
2 worthy of this Court's investment. And I think by
3 imposing a sentence of 42 months, which John will
4 measure by the number of days that he's away from his
5 son, by the number of dinners he will miss with his
6 child, by the amount of time he will miss with his
7 family, that that is a significant sentence that,
8 despite the government saying it's not enough, is
9 certainly very long.

10 I won't belabor the issues in the sentencing
11 memorandum but I do want to alert the Court that
12 Mr. Boampong does have supporters in the court today, he
13 has his sister, Nakia, his Godfather, Edward Gathers,
14 and his Godbrother, Jamal Gathers. These are
15 individuals who have described how much of an aberration
16 his conduct was for Mr. Boampong and frankly how upset
17 they were. There is accountability here both in the
18 small scheme and in the large scheme, and I think the
19 factors that the Court has to consider in my mind has to
20 begin and end with John Boampong. Keeping the community
21 safe from a John Boampong that is stable, committed to
22 the ideals that his Godfather and his mother instilled
23 in him, I don't think the Court needs to be worried
24 about that John Boampong, and that's the John Boampong
25 who stands before you today.

1 I do know that he wants to address the Court. And
2 I do want to just say that the 42 months that we
3 requested takes into account the fact that day for day
4 this sentence is going to be longer and harder for him.

5 In January 22, 2022, the Bureau of Prisons is set
6 to implement earned-time credits under the First Step
7 Act, which will make available evidence-based recidivism
8 reduction programming to a number of inmates as well as
9 a series of productive activities. Those inmates who
10 are eligible to receive earned-time credits under the
11 BOP's -- under the First Step Act, are going to be
12 prioritized for the very programming that John Boampong
13 would benefit from.

14 So the sentence that he's going to be serving is
15 going to be functionally, visually, and day to day very
16 different, and frankly more difficult.

17 THE COURT: You lost me there. I understood you
18 to be saying that this was an advance in penology.

19 MS. GANT: It is an advance for the BOP at large,
20 but his particular offense, specifically a 111(b)
21 offense, disqualifies him from earning time credits and
22 it disqualifies him ultimately from priority
23 consideration for the programming for which he would
24 benefit.

25 THE COURT: Oh, I see, by the statute.

1 MS. GANT: By the statute, by function of the
2 First Step Act and the BOP's deployment of that starting
3 in January.

4 THE COURT: All right. Thank you.

5 MS. GANT: So the specific evidence -- I made a
6 list of programs in the, um, in the defendant's
7 sentencing memorandum that are specifically evidenced-
8 based recidivism reduction programs that were studied by
9 the BOP, signed off by partner agencies, and known to,
10 um, significantly reduce recidivism, and John Boampong
11 wants to participate in those kinds of programs and he
12 would benefit from participating in this program, he's
13 an industrious and incredibly diligent man.

14 For the last -- since he's been at Wyatt, I think
15 since September or October of last year, he's been
16 employed as a unit worker, it's something that he
17 dedicates himself to very seriously. It's a modest job,
18 I mean I think it's maybe \$1.35 a week or something like
19 that, but it is something that he takes seriously
20 because he sees himself as giving back to the unit where
21 he's living. And so he may be able to, in those 42
22 months in the BOP, do some kind of work, but he's going
23 to be exempt from all of the various programs from which
24 he would benefit, including vocational programs like the
25 Federal Prison Industry's program, um, and like the

1 specific vocational training that's outlined in the
2 evidence-based recidivism reduction program that's
3 listed in the defendant's sentencing memorandum.

4 So the government says that 42 months is not
5 enough, but functionally it is more than enough to deter
6 John Boampong, to send a message to the community that
7 this conduct is serious, but that he is worthy of this
8 Court's investment and worthy of the opportunity to
9 redeem himself in the eyes of this Court, his family,
10 and frankly his country.

11 Now I'm going to defer to Mr. Boampong because I
12 do know he wishes to address the Court.

13 THE COURT: Thank you.

14 Mr. Boampong, that is your right, you have the
15 right to speak to me directly. Remember you don't have
16 to, but if you want to, I'll hear you now.

17 THE DEFENDANT: Yes, I would like to.

18 THE COURT: Proceed.

19 THE DEFENDANT: Thank you for letting me express
20 myself, your Honor. It's very important for me to speak
21 to you today to own my actions and to show you how far I
22 am from a violent person.

23 It's been 28 years of my life without a criminal
24 record. After my first case with the police in 2010, I
25 was traumatized, I struggled with depression and

1 nightmares. There were times that I thought my son
2 would be better off without me so I checked myself into
3 a mental health facility to seek help for all that I was
4 going through because I couldn't endure any more on my
5 own. I also joined a group called "Fathers Uplift," at
6 the advice of my therapist, to engage in group therapy
7 along with my individual therapy. I did that for many
8 years.

9 After my mom passed away in 2009 -- excuse me, in
10 2019, May, I took it very very hard, I did not or could
11 not understand that the one person who was so dear to me
12 could have died so suddenly or the way that she died,
13 due to medical neglect. I visited her every day, I
14 washed her clothes, I tucked her into bed at times, and
15 I asked staff to check on her not knowing it would be
16 the last time that I would have any type of interaction
17 with my mother.

18 I later learned that a half an hour after I had
19 left her bedside, she had passed away. I was so
20 heartbroken that I wanted to crawl up in a ball and die
21 myself, because I failed her. The only thing that kept
22 me grounded was my son. I cherish my son as he is one
23 of my greatest accomplishments in life. I really
24 cherish him. He is smart, he is kind, and I am a very
25 involved father in his life.

1 The other thing that gave me purpose after my mom
2 died was my job at Boston Sports Club as a customer
3 service manager, it gave me direction and a sense of
4 responsibility, as I've had many employees that reported
5 to me and asked me for advice on a lot of things. I
6 also took a management course at Boston Sports Club to
7 try to become a more successful manager.

8 On June 1st, 2020, I made the worst decision of my
9 life, I could have hurt people or killed people. I
10 carry that with me every day. I have no one to blame
11 but myself. I blame myself for not being true to
12 everything that my mother and my Godfather had instilled
13 in me. I'm deeply sorry for everyone who has been
14 impacted and affected by my decisions and actions.

15 I lost my job that I could have turned further
16 advancement into a great career. I let my son down. I
17 let down my family, friends, as well as my community. A
18 lot of people looked up to me for sound judgment,
19 advice, and how to maneuver through adversity in
20 troubled times. I was a great role model for the
21 children in my life. For those who say "It takes a
22 village to raise a child," I'm that villager, when
23 called upon, at all times, no matter what it calls for.
24 And I'm determined to live up to all of that again.

25 If I could have that night over again, I would

1 have been home with my son, my Godson, my little
2 cousins, we would have been barbecuing, running around
3 the yard, playing, being active, youthful, until I was
4 able to start my career at the Boston Sports Club as a
5 manager.

6 I miss being there for my son and all the children
7 in my life, I miss talking to them about what's going on
8 in their lives and helping them with any issues they may
9 have. I miss my son a lot. Since his birth we have
10 never been separated for an extended period of time and
11 it hurts me to have let him down. It hurts me to hear
12 him say that he thinks I don't love him because I left
13 him all alone. And I miss my Godson as well, he is only
14 4 years old and he's always asking when will he see me
15 again, not to mention the numerous amount of nieces and
16 nephews who I speak to on a frequent basis that ask the
17 same thing.

18 The impact of jail has been really hard for me too
19 and I want you to know that I understand the
20 consequences of my actions. I hate jail with every
21 fiber of my being. I feel ashamed to be here and to be
22 viewed as a low-life criminal. It hurts my soul. And
23 it's also been really scary during Covid as I have
24 contact with people who have Covid and have contracted
25 Covid myself.

1 I've watched people get really sick and be rushed
2 to the hospital from jail. I've seen people harm
3 themselves. One inmate took a swan dive off his top bunk,
4 almost breaking his neck. Another inmate hung himself.
5 I stood in disbelief as they're pulled into their cells
6 and medical staff tried everything they could to try to
7 bring them back.

8 This place is full of pain, despair, and death. I
9 never want to do anything to put myself here again. I
10 want to live up to the ideals that my mother and
11 Godfather instilled in me. I want to continue to be a
12 great father to my son. I'm asking for the opportunity
13 to redeem myself, my life, my character, and to honor my
14 family, my community, and this Court.

15 Thank you, your Honor, for allowing me to speak.

16 (Pause.)

17 THE COURT: Mr. John Boampong, in consideration of
18 the offenses of which you stand convicted, the
19 principles of 18 United States Code, Section 3553(a),
20 the information from the United States Attorney, your
21 attorney, the probation officer, and yourself, this
22 Court sentences you to 5 years -- 60 months on each of
23 the counts of conviction, the sentence on each count to
24 run concurrent, one with the other. Thereafter the
25 Court places you on 3 years of supervised release with

1 all the general and special conditions of supervised
2 release set forth in the presentence report.

3 The Court imposes no fine due to your inability to
4 pay a fine. The Court imposes the \$300 special
5 assessment as required by the law.

6 You shall have credit toward the service of that
7 sentence from the 1st of June, 2020 until today, because
8 you've been in custody for that time. Let me explain
9 this sentence to you.

10 Mr. Boampong, I do see you, I see you, the person.
11 I try always to be candid when I sentence. And in one
12 respect, despite the excellent argument made on your
13 behalf by your attorney, I disagree with her. This is a
14 time where the principle of general deterrence weighs
15 very heavily in the balance. Circumstances of that
16 night, the risk of breakdown of our legal framework, and
17 the violent actions that you took, possessing and firing
18 a firearm 11 times, transporting people who, I am left
19 to believe, if they were not themselves looting, were
20 the recipients of materials that had been looted,
21 requires a severe sentence.

22 Now having said that -- and I have no hesitancy in
23 saying it, none -- whether you believe me or not, I
24 believe everything you just said on your behalf. I
25 believe you are a person of deep faith, of genuine

1 remorse. I see many offenders who say "I'm sorry" after
2 it's over. In your case, from the time you pled guilty,
3 I was convinced that you appreciated the severity of
4 your actions. You did not try to excuse them. You
5 accepted them. You said, and I recall it vividly, that
6 you were setting an example for your son by your conduct
7 after you were arrested. And so you have.

8 It is the strong recommendation of this Court, and
9 it will be in the judgment and commitment order, that
10 the rehabilitative services of the institution where you
11 serve your sentence be made available to you, because it
12 is this Court's view that you are a person who can take
13 best advantage of them. I do recognize that. But this
14 is a just and a fair sentence. It is a sentence that
15 all of us as a society require.

16 You have the right to appeal from this sentence.
17 Should you appeal and should your appeal be successful
18 in whole or in part and the case remanded, you'll be
19 resentenced by another judge. Ms. Gant, if an appeal is
20 decided upon, you want transcript, seek it from this
21 session of the court because I'll turn it around right
22 away.

23 Do you understand?

24 MS. GANT: Of course, your Honor. Thank you.

25 THE COURT: That's the sentence of the Court, he's

1 remanded to the custody of the marshals.

2 PROBATION OFFICER: Your Honor?

3 THE COURT: Yes.

4 PROBATION OFFICER: I may have missed it, but I
5 would recommend, um, for supervised release that all of
6 the standard conditions be imposed and that the special
7 condition be imposed that he participate in mental
8 health treatment and take his medications as directed
9 and contribute according to his ability to do so.

10 THE COURT: It is so ordered in precisely the
11 language that you suggested. And if I overlooked it, I
12 apologize.

13 PROBATION OFFICER: Thank you, your Honor.

14 THE COURT: And I should say something further,
15 picking up on Ms. Gant's very, um, thorough argument.
16 It does seem to me that when he goes on supervised
17 release, he ought be considered for our Restorative
18 Justice Program.

19 PROBATION OFFICER: I will list that as a judicial
20 obligation.

21 THE COURT: Yes.

22 Ms. Gant?

23 MS. GANT: Thank you, your Honor. I neglected to
24 ask, um, consistent with the First Step Act's
25 considerations of proximity to a home in terms of BOP

1 placement, that the Court recommend, commensurate with
2 Mr. Boampong's security level, that he be placed in a
3 facility close to home.

4 THE COURT: I will so recommend and the judgment
5 will reflect it.

6 MS. GANT: Thank you, your Honor.

7 THE COURT: That's the sentence of the Court.

8 MR. DAWLEY: Your Honor, I apologize, I have one
9 more point. I might have missed it as well. But I
10 would just point out, um, for the Court and for the
11 defendant, that there was a notification already that
12 there is a forfeiture of the firearm --

13 THE COURT: The forfeiture is allowed as to the
14 firearm.

15 MR. DAWLEY: Thank you, your Honor.

16 THE COURT: Thank you both. We'll recess.

17 (Ends, 1:00 p.m.)
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C E R T I F I C A T E

I, RICHARD H. ROMANOW, OFFICIAL COURT REPORTER,
do hereby certify that the foregoing record is a true
and accurate transcription of my stenographic notes,
before Judge William G. Young, on Tuesday, October 26,
2021, to the best of my skill and ability.

/s/ Richard H. Romanow 11/01/21

RICHARD H. ROMANOW Date